

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed November 24, 2003. In the Office Action, Claims 4, 6, 9, 11-12, 15-17, 22-23, and 25-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,311, 588 (Polcyn) in view of U.S. Patent No. 6,125,345 (Modi) and U.S. Patent No. 6,223,154 (Nicholls). Applicant respectfully traverses the rejection because, *inter alia*, Nicholls does not constitute prior art. Applicant submits herewith a declaration under 37 C.F.R. §1.131 signed by the assignee in interest, Nortel Networks Limited, hereby declares that the inventor conceived the claimed invention prior to July 31, 1998, the effective filing date of Nicholls. The inventor is no longer employed with the assignee and the undersigned attorney has been unable to locate the inventor. Reconsideration and withdrawal of this rejection is respectfully requested.

Moreover, claims 5 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Polcyn, Modi, Nicholls in further in view of U.S. Patent No. 5,657,422 (Janiszewski). Applicants respectfully traverse the rejection in its entirety based, in part, on the Rule 131 declaration signed by the assignee in interest.

Conclusion

Applicant respectfully requests reconsideration all prior and recent arguments set forth herein and issuance of a timely Notice of Allowance.

Respectfully submitted,

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Corrin R. Davis

03/24/2004

Date